

This is not the official court record. Official records of court proceedings may only be obtained directly from the court maintaining a particular record.

Jennifer Swafford, Harley Hiner, Rob Ogden et al v. General Motors LLC

Case Number	49D01-2105-CT-016152
Court	Marion Superior Court 1
Type	CT - Civil Tort
Filed	05/13/2021
Status	05/13/2021 , Pending (active)

Parties to the Case

Defendant General Motors LLC

Attorney

Bonnie Lee Martin
#2024818, Lead, Retained

111 Monument Circle, Suite 4600
Indianapolis, IN 46204-0000
317-916-1300(W)

Attorney

Bryce H Bennett Jr.
#268149, Retained

RILEY BENNETT EGLOFF LLP
500 N. Meridian St.
Suite 550
Indianapolis, IN 46204
317-636-8000(W)

Attorney

Jaclyn Michelle Flint
#3258949, Retained

500 N Meridian ST
STE 550
Indianapolis, IN 46204
317-636-8000(W)

Plaintiff Swafford, Jennifer

Attorney

Benjamin Conard Ellis
#2854449, Retained

320 N Meridian ST
STE 615
Indianapolis, IN 46204
317-824-9747(W)

Plaintiff Hiner, Harley

Attorney

Benjamin Conard Ellis
#2854449, Retained

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STE 615
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317-824-9747(W)

Plaintiff Ogden, Rob

Attorney

Benjamin Conard Ellis
#2854449, Retained

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STE 615
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317-824-9747(W)

Plaintiff Adams, Mike

Attorney

Benjamin Conard Ellis
#2854449, Retained

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STE 615
Indianapolis, IN 46204
317-824-9747(W)

Chronological Case Summary

05/13/2021 **Case Opened as a New Filing**

05/13/2021 **Subpoena/Summons Filed**

Summons

Filed By:	Swafford, Jennifer
Filed By:	Hiner, Harley
Filed By:	Ogden, Rob
Filed By:	Adams, Mike
File Stamp:	05/13/2021

05/13/2021 **Complaint/Equivalent Pleading Filed**

Complaint for Damages, Injunctive Relief, and Request for Jury Trial

Filed By:	Swafford, Jennifer
Filed By:	Hiner, Harley
Filed By:	Ogden, Rob
Filed By:	Adams, Mike
File Stamp:	05/13/2021

05/13/2021 Appearance Filed

E-Filing Appearance by Attorney in a Civil Case

For Party: Swafford, Jennifer
For Party: Hiner, Harley
For Party: Ogden, Rob
For Party: Adams, Mike
File Stamp: 05/13/2021

06/08/2021 Appearance Filed

Appearance of Bonnie L. Martin

For Party: General Motors LLC
File Stamp: 06/07/2021

06/08/2021 Notice Filed

Defendant's Notice of Initial Enlargement of Time

Filed By: General Motors LLC
File Stamp: 06/07/2021

06/09/2021 Appearance Filed

E-Filing Appearance by Attorneys in Civil Case

For Party: General Motors LLC
File Stamp: 06/09/2021

Financial Information

* Financial Balances reflected are current representations of transactions processed by the Clerk's Office. Please note that any balance due does not reflect interest that has accrued – if applicable – since the last payment. For questions/concerns regarding balances shown, please contact the Clerk's Office.

Hiner, Harley

Plaintiff

Balance Due (as of 06/09/2021)

0.00

Charge Summary

Description	Amount	Credit	Payment
Court Costs and Filing Fees	157.00	0.00	157.00

Transaction Summary

Date	Description	Amount
05/13/2021	Transaction Assessment	157.00
05/13/2021	Electronic Payment	(157.00)

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Marion Superior Court 1

SUMMONS

STATE OF INDIANA

IN THE MARION SUPERIOR COURT

SS:

COUNTY OF MARION

CAUSE NO:

**Harley Hiner, Jennifer Swafford, Rob Ogden, and
Mike Adams**

Plaintiffs,

v.

GENERAL MOTORS LLC,

Defendant.

To Defendant: GENERAL MOTORS LLC
 c/o CORPORATION SERVICE COMPANY
 135 North Pennsylvania St., Ste. 1610
 Indianapolis, IN 46204

You are hereby notified that you have been sued by the persons named as plaintiffs and in the Court indicated above.

The nature of the suit against you is stated in the complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the plaintiffs.

An answer or other response in writing to the complaint must be filed by you or your attorney within twenty (20) days, commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by plaintiffs.

If you have a claim for relief against the plaintiffs arising from the same transaction or occurrence, you must assert it in your written answer.

If you need the name of an attorney, you may contact the Indianapolis Bar Association Lawyer Referral Service (317-269-2222) or the Marion County Bar Association Lawyer Referral Service (317-634-3950).

Dated: 5/13/2021

Myra A. Eldridge (Seal)
 Clerk, Marion Superior Court

(The following manner of service is hereby designated.)

- ☒ Registered or certified mail.
☐ Service at place of employment, to wit _____
☐ Service on individual (personal or copy) at above address.
☐ Service on agent: _____
☐ Other service: _____



Benjamin C. Ellis
 HKM EMPLOYMENT ATTORNEYS LLP
 320 N. Meridian St., Ste. 615
 Indianapolis, IN 46204
 P/F | (317) 824-9747
 Email | bellis@hkm.com

Counsel for Plaintiff

Marion Superior Court
 200 E. Washington St.
 Indianapolis, IN 46204

SHERIFF'S RETURN ON SERVICE OF SUMMONS

I hereby certify that I have served this summons on the ____ day of _____, 20__

(1) By delivering a copy of the Summons and a copy of the complaint to the defendant _____.

(2) By leaving a copy of the Summons and a copy of the complaint at _____

which is the dwelling place or usual abode of _____ and by

mailing a copy of said summons to said defendant at the above address.

(3) Other Service or Remarks: _____

Sheriff's Costs

Sheriff

By: _____

Deputy

CLERK'S CERTIFICATE OF MAILING

I hereby certify that on the ____ day of _____, 20__, I mailed a copy of this Summons and a copy of the complaint to the defendant, _____, by _____ mail, requesting a return receipt, at the address furnished by the plaintiff.

Clerk, Marion Superior Court

By: _____

Deputy

RETURN ON SERVICE OF SUMMONS BY MAIL

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint mailed to defendant _____ was accepted by the defendant on the ____ day of _____, 20__.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint was returned not accepted on the ____ day of _____, 20__.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint mailed to defendant _____ was accepted by _____ on behalf of said defendant on the ____ day of _____, 20__.

Clerk, Marion Superior Court

By: _____

Deputy

STATE OF INDIANA
COUNTY OF MARION

IN THE MARION SUPERIOR COURT
SS:
CAUSE NO:

**Harley Hiner, Jennifer Swafford, Rob Ogden, and
Mike Adams,**

Plaintiffs,

v.

GENERAL MOTORS LLC,

Defendant.

**COMPLAINT FOR DAMAGES,
INJUNCTIVE RELIEF, AND REQUEST FOR JURY TRIAL**

Harley Hiner, Jennifer Swafford, Rob Ogden, and Mike Adams (“MANAGERS”) are suing GM for defamation and tortious interference in connection with the termination of their employment from CARAVAN FACILITIES MANAGEMENT L.L.C. (a GM contractor). This lawsuit is filed in the County of Marion without objection by GM. The MANAGERS seek all available relief, including compensatory, reputational, and punitive damages and respectfully request a trial by jury.

Respectfully submitted,

/s/ Benjamin C. Ellis

Benjamin C. Ellis
HKM EMPLOYMENT ATTORNEYS LLP
320 N. Meridian St., Ste. 615
Indianapolis, IN 46204
P/F | (317) 824-9747
Email | bellis@hkm.com

1. INTRODUCTION

Mark McKnight died on December 30, 2020 when a wall accidentally fell on him at GM's stamping plant in Marion, Indiana. This accident occurred because a handful of CARAVAN employees attempted to move the wall on their own initiative, contrary to the express instructions of Harley Hiner – one of the MANAGERS – to leave it alone.

In response, GM demanded that CARAVAN hold its employees responsible. But because the responsible employees were not sufficiently high-ranked to make an example, GM demanded that the Marion stamping plant's MANAGERS take the fall instead – regardless of their lack of responsibility for the accident. Under pressure from GM, CARAVAN assigned the blame for the accident to the MANAGERS and terminated their employment.

The MANAGERS are thus suing GM for tortious interference with their employment, and defamation.

2. JURISDICTION & VENUE

1. This Court has original jurisdiction over the MANAGERS' civil claims against GM under Ind. Code § 33-29-1-1.5(1).

2. This Court has jurisdiction over GM because it does business in Indiana and it caused personal injury by its acts in Indiana. Ind. T.R. 4.4(A)(1) and (2).

3. Venue is permitted in Marion County under Ind. T.R. 75(A).

3. PARTIES

3.1. Plaintiff

4. Plaintiff Harley Hiner resides in Wabash County, Indiana.
5. Plaintiff Jennifer Swafford resides in Grant County, Indiana.
6. Plaintiff Rob Ogden resides in Howard County, Indiana.
7. Plaintiff Mike Adams resides in Cass County, Indiana.

3.2. Defendant

8. Defendant GENERAL MOTORS LLC was, at all relevant times, a foreign limited liability company (Business ID No. 2009062600197) with its principal place of business in Wayne County, Michigan.

4. STATEMENT OF FACTS

9. The MANAGERS were CARAVAN employees working in various managerial roles at GM's stamping plant in Marion, Indiana in late 2020.

10. All four had their employment terminated on January 6, 2021 following the accidental death of Mark McKnight on December 30, 2020.

11. Each of the MANAGERS received a termination letter from CARAVAN stating that their employment was being terminated following a "workplace fatality investigation" for "fail[ing] to create and maintain a safety conscious work culture." (Ex. 2.) More specifically, it stated that "proper pre-task planning processes have not been followed." (Ex. 2.)

12. These conclusions by CARAVAN did not reasonably reflect the events that led to McKnight's tragic death.

13. That accident was the result of other CARAVAN employees ignoring the appropriate processes, and even disregarding the MANAGERS' express instructions.

14. CARAVAN's decision-making was not fact-based; it was instead driven by GM's unjustifiable pressure to sacrifice the MANAGERS to create an appearance of accountability.

15. The December 30 accident occurred during the preparatory stages of an anticipated renovation to the truck repair department.

16. This department was overseen by Jennifer Swafford (Fleet Manager).

17. As Site Manager, Rob Ogden had high level discussions with Ms. Swafford about this renovation, and approved them to be performed, but had no other involvement.

18. GM expected the renovation to have been complete by October 2020; and by December it was pressuring Mr. Ogden to complete it.

19. On December 29, 2020, Ms. Swafford spoke with Mike Adams (1st shift Maintenance Supervisor), whose subordinates would have carried out the renovation.

20. Ms. Swafford provided Mr. Adams with a then-current printed layout of the truck repair department, and a sticky note describing the desired changes.

21. One of the tasks to be completed in the renovation was relocating a 20-foot-tall retaining wall.

22. This move was a complicated process that first required some repair and electrical work.

23. Accordingly, Mr. Adams spoke with two of CARAVAN's millwrights, Tim Bookout and James Rogers, about preparing the wall for the move; but he expected it would take a day or two of work before the wall would be ready.

24. This is because the burn permit required to begin the necessary work did not arrive on site until an hour before the end of Mr. Adams's shift.

25. Because Mr. Adams went on vacation after December 29, Harley Hiner covered his duties beginning the following morning.

26. When Mr. Hiner came to work on December 30, he was surprised to discover that the retaining wall had already been moved without an approved layout or pretask plan.

27. This move was done without the knowledge or approval of any of the MANAGERS.

28. Mr. Hiner directed Rogers and Keith Comb not to do any further work relating to the wall and went to discuss the matter with Mr. Ogden

29. When Mr. Hiner left the scene, the wall was properly secured with a safety chain.

30. While Mr. Hiner was speaking with Mr. Ogden, Rogers disregarded Mr. Hiner's directive to leave the retaining wall alone.

31. The safety chain was removed, and Rogers – on his own initiative and against Mr. Hiner’s express orders – used a forklift to move the wall.

32. As a result, it fell, killing McKnight.

33. In the days that followed, CARAVAN investigated the December 30 accident.

34. Based on information received by the MANAGERS, it was under intense pressure from GM to hold managerial employees accountable.

35. Accordingly, even though Mr. Ogden and Ms. Swafford had no role in directing the renovation; Mr. Adams was on vacation at the time of the accident; and Mr. Hiner expressly directed his subordinates not to move the retaining wall, they were each fired for the accident.

36. On information and belief, none of the CARAVAN employees involved in the accident were terminated.

5. STATEMENT OF CLAIMS

5.1. Tortious Interference

37. The MANAGERS each had a valid and enforceable employment contract with CARAVAN.

38. GM knew of the MANAGERS' employment contracts with CARAVAN.

39. GM intentionally induced CARAVAN to breach MANAGERS' employment contracts.

40. GM lacked justification to interfere with the MANAGERS' employment contracts.

41. The MANAGERS were harmed by GM's wrongful interference with their employment contracts.

5.2. Defamation

42. GM made the following communication: that the MANAGERS were (or should be held) responsible for the death of Mark McKnight.

43. This communication is of a kind that tends to lower a person's reputation in the community or to discourage others from dealing or associating with the person.

44. The communication was heard by someone other than the MANAGERS.

45. GM knew the communication (or its implications) to be false or, believing it to be true, failed to use reasonable care to determine its truth.

46. The MANAGERS were harmed by GM's defamation.

6. PRAYER FOR RELIEF

The MANAGERS respectfully request that judgment be entered in their favor, and against GM, on all claims, for its violations of Indiana law - tortious interference and defamation. They request all available relief on their claims, including the following:

- a. Compensatory damages (including lost wages, emotional distress, and reputational damages);
- b. Punitive damages;
- c. Enjoin defendant from further defamation; and
- d. Prejudgment and postjudgment interest.

7. JURY DEMAND

As required by Ind. T.R. 38(B), the MANAGERS respectfully request a trial by jury on all issues so triable.

STATE OF INDIANA
COUNTY OF MARION

IN THE MARION SUPERIOR COURT
SS:
CAUSE NO:

**Harley Hiner, Jennifer Swafford, Rob Ogden,
and Mike Adams,**

Plaintiffs,

v.

GENERAL MOTORS LLC,

Defendant.

E-FILING APPEARANCE BY ATTORNEY IN CIVIL CASE

1. The party on whose behalf this form is being filed is:

Initiating ☒ Responding ☐ Intervening ☐ ; and

the undersigned attorney and all attorneys listed on this form now appear in this case
for the following parties:

Harley Hiner
5570 E. 500 S.
Wabash, IN 46992
(260) 339-1504

Rob Ogden
2201 S. 200 E.
Kokomo, IN 46902
(765) 730-2957

Jennifer Swafford
209 N. Keal Ave.
Marion, IN 46952
(765) 506-0482

Mike Adams
5995 N. 1150 E.
Galveston, IN 46932

2. Attorney information for service as required by Trial Rule 5(B)(2)

Benjamin C. Ellis (Atty. No. 28544-49)
HKM EMPLOYMENT ATTORNEYS LLP
320 N. Meridian St., Ste 615
Indianapolis, IN 46204
Phone / Fax | (317) 824-9747
Email | bellis@hkm.com

IMPORTANT: Each attorney specified on this appearance:

- (a) certifies that the contact information listed for him/her on the Indiana Supreme Court Roll of Attorneys is current and accurate as of the date of this Appearance;
- (b) **acknowledges that all orders, opinions, and notices from the court in this matter that are served under Trial Rule 86(G) will be sent to the attorney at the email address(es) specified by the attorney on the Roll of Attorneys regardless of the contact information listed above for the attorney;** and
- (c) understands that he/she is solely responsible for keeping his/her Roll of Attorneys contact information current and accurate, see Ind. Admis. Disc. R. 2(A).

Attorneys can review and update their Roll of Attorneys contact information on the Courts Portal at <http://portal.courts.in.gov>.

3. This is a CT case type as defined in administrative Rule 8(B)(3).

4. This case involves child support issues. Yes ☐ No ☒

5. This case involves a protection from abuse order, a workplace violence restraining order, or a no – contact order. Yes ☐ No ☒ The party shall use the following address for purposes of legal service:

- ☒ Attorney's address
 - ☐ The Attorney General Confidentiality program address
(contact the Attorney General at 1-800-321-1907 or e-mail address is **confidential@atg.in.gov**).
 - ☐ Another address (provide)
-

This case involves a petition for involuntary commitment. Yes ☐ No ☒

6. If Yes above, provide the following regarding the individual subject to the petition for involuntary commitment:

a. Name of the individual subject to the petition for involuntary commitment if it is not already provided in #1 above: _____

b. State of Residence of person subject to petition: _____

c. At least one of the following pieces of identifying information:

(i) Date of Birth _____

(ii) Driver's License Number _____

State where issued _____ Expiration date _____

(iii) State ID number _____

State where issued _____ Expiration date _____

(iv) FBI number _____

(v) Indiana Department of Corrections Number _____

(vi) Social Security Number is available and is being provided in an attached confidential document Yes ☐ No ☐

7. There are related cases: Yes ☐ No ☒

8. Additional information required by local rule:

9. There are other party members: Yes ☐ No ☒

10. This form has been served on all other parties and Certificate of Service is attached:

Yes ☒ No ☐

/s/ Benjamin C. Ellis

Benjamin C. Ellis

HKM EMPLOYMENT ATTORNEYS LLP

320 N. Meridian St., Ste 615

Indianapolis, IN 46204

P / F | (317) 824-9747

Email | bellis@hkm.com

CERTIFICATE OF SERVICE

I certify that on May 13, 2021, I electronically filed the foregoing document using the Indiana E-filing System (IEFS).

I also certify that the foregoing document was served on May 13, 2021, upon the following persons via first-class U.S. mail, postage prepaid, address as follows:

GENERAL MOTORS LLC
c/o CORPORATION SERVICE COMPANY
135 N. Pennsylvania St., Ste. 1610
Indianapolis, IN 46204

/s/ Benjamin C. Ellis

Benjamin C. Ellis

7. There are related cases: Yes No ☒ X

8. This form has been served on all other parties. Certificate of Service is attached: Yes X
No ___
9. Any additional information required by local rule: **Not applicable**

Respectfully submitted,

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.

By: s/ Bonnie L. Martin

Bonnie L. Martin, Atty. No. 20248-18
111 Monument Circle, Suite 4600
Indianapolis, IN 46204
Telephone: 317.916.1300
Facsimile: 317.916.9076
Email: *bonnie.martin@ogletree.com*

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on June 7, 2021, the foregoing document was served upon counsel of record via the court's electronic filing system:

Benjamin C. Ellis
HKM Employment Attorneys LLP
320 N. Meridian Street, Suite 615
Indianapolis, IN 46204
bellis@hkm.com

/s/ Bonnie L. Martin

Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
111 Monument Circle, Suite 4600
Indianapolis, IN 46204
Telephone: 317.916.1300
Facsimile: 317.916.9076
bonnie.martin@ogletree.com

STATE OF INDIANA)	IN THE MARION SUPERIOR COURT
) SS:	
COUNTY OF MARION)	CAUSE NO. 49D01-2105-CT-016152
HARLEY HINER, JENNIFER)	
SWAFFORD, ROB OGDEN and)	
MIKE ADAMS,)	
)	
Plaintiffs,)	
)	
v.)	
)	
GENERAL MOTORS LLC,)	
)	
Defendant.)	

DEFENDANT’S NOTICE OF INITIAL ENLARGEMENT OF TIME

Pursuant to Marion County LR 49-TR5 Rule 203(D), Defendant, General Motors LLC, by counsel, submits this Notice of Initial Enlargement of Time to respond to Plaintiff’s complaint.

The Defendant’s original deadline is June 9, 2021. Pursuant to the requested 28-day enlargement, the Defendant’s new response deadline is July 7, 2021. Counsel for Plaintiff does not object to this extension.

Respectfully submitted,

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.

By: s/ Bonnie L. Martin

Bonnie L. Martin, Atty. No. 20248-18
111 Monument Circle, Suite 4600
Indianapolis, IN 46204
Telephone: 317.916.1300
Facsimile: 317.916.9076
bonnie.martin@ogletreedeakins.com

Attorneys for Defendant General Motors LLC

CERTIFICATE OF SERVICE

I certify that on June 7, 2021, I electronically filed the foregoing document using the Indiana E-Filing System (IEFS). I also certify that on June 7, 2021, the foregoing document was served upon the following person via IEFS:

Benjamin C. Ellis
HKM Employment Attorneys LLP
320 N. Meridian Street, Suite 615
Indianapolis, IN 46204
bellis@hkm.com

s/ Bonnie L. Martin

Bonnie L. Martin, Esq.
OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.
111 Monument Circle, Suite 4600
Indianapolis, IN 46204
Telephone: 317.916.1300
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bonnie.martin@ogletree.com

47391225.1

STATE OF INDIANA) IN THE SUPERIOR COURT OF MARION COUNTY
) SS:
COUNTY OF MARION) CAUSE NO. 49D01-2105-CT-016152

HARLEY HINER, JENNIFER SWAFFORD,)
ROB OGDEN, and MIKE ADAMS,)
)
Plaintiffs,)
)
vs.)
)
GENERAL MOTORS LLC,)
)
Defendant.)

E-FILING APPEARANCE BY ATTORNEYS IN CIVIL CASE

1. The party on whose behalf this form is being filed is:
Initiating _____ Responding X Intervening _____; and the undersigned attorney and all attorneys listed on this form now appear in this case for the following party: General Motors LLC
2. Attorney information for service as required by Trial Rule 5(B)(2)

Bryce H. Bennett, Jr.	Atty. No.:	2681-49
Riley Bennett Egloff LLP	Phone:	317-636-8000
500 N. Meridian Street, Suite 550	FAX:	317-636-8027
Indianapolis, IN 46204	E-Mail:	bbennett@rbelaw.com

Jaclyn M. Flint	Atty. No.:	32589-49
Riley Bennett Egloff LLP	Phone:	317-636-8000
500 N. Meridian Street, Suite 550	FAX:	317-636-8027
Indianapolis, IN 46204	E-Mail:	jflint@rbelaw.com

IMPORTANT: Each attorney specified on this appearance:

- (a) certifies that the contact information listed for him/her on the Indiana Supreme Court Roll of Attorneys is current and accurate as of the date of this Appearance;
- (b) acknowledges that all orders, opinions, and notices from the court in this matter that are served under Trial Rule 86(G) will be sent to the attorney at the email address(es) specified by the attorney on the Roll of Attorneys regardless of the contact information listed above for the attorney; and

(c) understands that he/she is solely responsible for keeping his/her Roll of Attorneys contact information current and accurate, see Ind. Admis. Disc. R. 2(A).

3. This is a CT case type as defined in administrative Rule 8(B)(3).

4. This case involves child support issues. Yes ____ No X

5. This case involves a protection from abuse order, a workplace violence restraining order, or a no – contact order. Yes ____ No X

This case involves a petition for involuntary commitment. Yes ____ No X

6. There are related cases: Yes ____ No X

7. Additional information required by local rule: N/A

8. There are other party members: Yes ____ No X

9. This form has been served on all other parties and Certificate of Service is attached:
Yes X No ____

RILEY BENNETT EGLOFF LLP

/s/ Bryce H. Bennett, Jr.

Bryce H. Bennett, Jr.

Atty. No. 2681-49

Jaclyn M. Flint

Atty. No. 32589-49

Attorneys for Defendant,

General Motors LLC

RILEY BENNETT EGLOFF LLP
500 N. Meridian Street, Suite 550
Indianapolis, IN 46204
(317) 636-8000
(317) 636-8027-fax
bbennett@rbelaw.com
jflint@rbelaw.com

CERTIFICATE OF SERVICE

I certify that on June 9, 2021, I electronically filed the foregoing *E-Filing Appearance by Attorneys in Civil Case* using the Indiana E-Filing System.

I also certify that on June 9, 2021, the foregoing document was served upon the following via E-Service:

Benjamin C. Ellis
HKM Employment Attorneys LLP
bellis@hkm.com

Bonnie L. Martin
Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
bonnie.martin@ogletree.com

/s/ Bryce H. Bennett, Jr.

Bryce H. Bennett, Jr.

BHB/20063.036/LKN